

In re Application of: Mereau et al.  
Application No. 09/743,153  
Response to Office Action of May 23, 2005

**Remarks**

Claims 1-5 are pending as of the Office Action dated May 23, 2005. Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,284,878 to Lai (hereinafter Lai) in view of several non-patent documents including one entitled “RFC 2002 (RFC2002)” to Perkins (hereinafter Perkins). Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

In the present Office Action the Examiner again requested that the Applicants number each line of every claim, referring to this as the “preferred” format. The Examiner notes that line numbering of the claims is “not required by the MPEP” but, rather, is being requested for “ease of reference to the claims during future prosecution.” To this end and for the purpose of facilitating future prosecution, the Applicants have provided line numbers in the listing of claims **for reference purposes only**. Applicants submit that the claims are not being amended to add the line numbers (i.e., the line numbers are not underlined to indicate their addition to the claims) and, thus, it should be understood that the provided line numbers in the listing of claims are not limiting the claims.

Claim 4 stands rejected because, according to the Office Action, it does not clearly indicate whether “a radio channel access network” is the same as the “radio channel access network” recited in claim 1 (line 6). Claim 4 has been amended to overcome the § 112, second paragraph, rejection and to be consistent with claims 2 and 3, which also refer to “a radio channel access network” and are not rejected under § 112, second paragraph. As noted in several places in the application, the embodiments described in the present application include a mobile, on-board network system that is capable of moving from one network to another network. Although Claim 4 generally corresponds to the embodiment illustrated in Figures 3a and 3b, Applicants submit that “a radio channel access network” may additionally include one or two of the other described embodiments (e.g., radio communication network operating on cordless technology and a cellular mobile radio communication system).

First, regarding the §103(a) rejections of claims 1-5 over Lai in view of Perkins, Applicants would like to point out that Lai is not of record in the International Search Report and that the Examiner has not cited Lai in any PTO-892 form. To this end, Applicants respectfully request that the Examiner cite Lai in a PTO-892 so it is properly made of record.

Second, Applicants would like to point out that Lai discloses a pseudo air network in which already existing fleets of commercial airline aircraft are to replace low earth orbit (LEO) communication satellites. As disclosed, each commercial airline aircraft is equipped

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with a point-to-point, line of sight, microwave relay station for communicating with neighboring flying aircraft to form a chain of airborne repeaters and provide broadband wireless communication gateways along the flight path.

The Examiner refers to column 6, lines 4-5 of Lai as disclosing an on-board network system. Applicants respectfully disagree with the Examiner's characterization and point out that column 6, lines 4-5 discloses a combiner/seperator [*sic*] unit 403, not an on-board network system. For argument's sake, even if the disclosed combiner/seperator unit 403 could be characterized as an on-board network system, the combiner/seperator unit 403 does not disclose, teach or suggest a router, particularly a router that performs the functions recited in claim 1 of:

managing a local network to which are connected at least one server and at least one work station fitted with their peripheral elements; and

managing call processing functions and data transmission to the information system, enabling information messages to be created, sent, received and read, during displacement of said on-board network system, from one physical access point to another one. Perkins does not disclose, teach or suggest a router that performs the foregoing functions and, therefore, cannot cure Lai.

The Examiner refers to column 5, lines 42-67 of Lai as disclosing an interfacing means between said on-board network system and said radio transmission/reception means. Applicants respectfully disagree with the Examiner's characterization and point out that column 5, lines 42-67 discloses a mobile unit, which includes "antennas, transmitters, receivers, plus data combiner/separator", located on the aircraft and details of (a) the antenna system and (b) the receiver. Again, for argument's sake, even if the aforementioned data combiner/separator unit 403 could be characterized as an on-board network system and the mobile unit could be characterized as an interfacing means, Applicants point out that the mobile unit is not "between said on-board network system and said radio transmission/reception means" as claim 1 recites, but rather, the mobile unit (interfacing means) **includes** the combiner/separator unit (on-board network system). Furthermore, Applicants are unable to find an illustration of an interfacing means in the supporting Figures (FIGS. 4-7) referred to therein.

The Examiner refers to column 2, lines 55-67 and column 6, lines 1-11 of Lai as disclosing said on-board network system comprising a router. Applicants respectfully disagree with the Examiner's characterization and point out that column 2, lines 55-67

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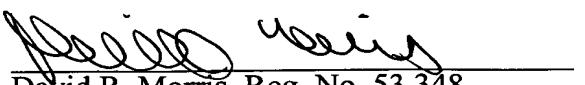
discloses suggested advantages of Lai's system. Furthermore, Applicants point out that column 6, lines 1-11 discloses: (c) the transmitter, (d) the combiner/seperator [*sic*] unit 403 and (f) the position controller. The Examiner has already characterized the combiner/seperator 403 as Applicants' on-board system and it would be nonsensical to characterize one or both of the transmitter and the position controller as a router. Applicants are unable to find any explicit disclosure of a router in these sections. Moreover, the Lai reference, as a whole, is silent with respect to a router. If the Examiner's intention is to characterize Lai's disclosure of "provide in-flight telecommunications (news, phone call, provide Internet services and etc...) and entertainment services to its passengers." (column 2, lines 65-67) and "flying cellular phone repeater." (column 6, line 11) as disclosing, teaching or suggesting a router, Applicants strenuously disagree. It is well known in the art to "provide in-flight telecommunications" without use of a router, for example, displaying an on-board video/movie on one or more screens by using a projector, video cassette player or the like.

Regarding the Examiner's citation of the Microstar Laboratories reference to support the rejection of Applicants' claim 4, Applicants point out that **the Microstar reference is undated**. Since the reference is undated, it is unknown when the reference was printed, published or otherwise made available to the public and the Applicants submit that Microstar should be discarded as an improper reference.

In view of the foregoing, Applicants submit that claims 1-5 are allowable, as the cited references taken alone or in combination do not disclose, teach or suggest Applicants' invention.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

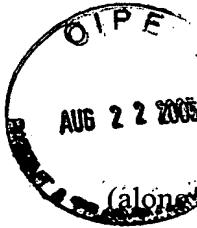
Respectfully submitted,



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Date: August 17, 2005

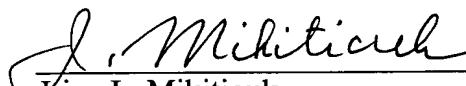
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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION OF MAY 23, 2005 (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: August 17, 2005

  
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Irina L. Mikitiouk